

REMARKS

Claims 1-28 were originally presented for examination. Of those claims, claim 1 was the only independent claim.

In the first Office Action the following rejections were stated:

1. Claims 1, 2 and 28 were rejected as lacking novelty under 35 U.S.C §102(b) over HEINZ (146,590);
2. Claims 3-5 and 21-23 were rejected as obvious under 35 U.S.C §103(a) over HEINZ; and
3. Claims 15-18 were rejected as obvious under 35 U.S.C §103(a) over applicant's admitted prior art in view of HEINZ.

We are pleased to note that a substantial number of dependent claims, i.e. claims 6-14, 19, 20 and 24-27 were indicated to be allowable over the prior art and were only objected to as depending from a rejected base claim.

HEINZ discloses a water filter having an unfiltered water reservoir A and a filtered water reservoir B with a flat filtration unit on top of the wall separating the chambers A and B. The filtration unit has a series of horizontally spaced upstanding walls which form a chamber C which holds charcoal, a chamber D which acts to settle charcoal pieces which may have escaped from the chamber C, and a conical chamber G which holds a further filtering material without specifying what the material is. The unit is closed by a top cover E which is water tight and fastened by hooks cc. Water flows in through openings a a, through the charcoal in chamber C, through openings b b toward the bottom of chambers C and D and into the settling chamber D, through holes d d at the top of the settling chamber D and into the conical chamber G, through the filtering medium in conical chamber G, and out through perforations in the bottom of conical chamber G into the filtered water reservoir B.

Claim 1 has been amended to include the subject matter of allowed dependent claim 6 and

claim 6 has been cancelled. Accordingly, claim 1 and all claims depending therefrom should be allowable.

Claims 3-5 have been rejected on the ground that it would have been obvious to put media in HEINZ chamber D. It is respectfully submitted that to the contrary it would not have been obvious to put treatment media in chamber D of HEINZ because that would interfere with the specific stated and intended settling chamber purpose of the HEINZ chamber D. Moreover, Claim 29 sets forth that the water flows “transversely through . . . each said chamber.” To the contrary flow through chamber D in HEINZ is in through openings b b at the bottom of chamber D and upwardly and out through holes d d at the top of chamber D. Thus, claims 1-3 have been rewritten in independent form as new claim 29 with dependent claims 30 and 31 depending therefrom which correspond to dependent claims 4 and 5. Accordingly, it is respectfully submitted that new claims 29-31 are clearly allowable over the prior art.

As to claims 15-18, the position has been taken that it would have been obvious to modify the prior art Fig. 1 coffee maker in the present application which discharges directly to the brew chamber by the HEINZ treatment unit. However, claims 15-18 set forth:

discharging the water treated by said unit directly to the brewing compartment without any substantial holding of the treated water after treatment by the water treatment unit and before discharge to the brewing compartment. (Emphasis supplied).

To the contrary, the prior art FIG. 1 does have a substantial holding after treatment and before discharge to the brew compartment. And, the prior art FIG. 2 has substantial mixing of treated water with untreated water . It is the whole purpose of the present invention to avoid these conditions.

New claim 32 has been added which as in claim 15, sets forth a coffee maker which includes a water treatment unit positioned in the bottom of said reservoir and discharging the water treated by said unit directly to the brewing compartment without any substantial holding of the treated water after treatment by the water treatment unit or mixing with untreated water before discharge to the brewing compartment. . . .

Accordingly, new claim 32 should clearly define over the coffee maker prior art as described in the present application with respect to FIGS. 1 and 2.

Claims 21-23 have been rejected as obvious to make the device of the present invention smaller to fit into a smaller space in a home or office. However, that begs the question because it is not obvious how to do that either in the manner as taught by the invention or otherwise. To do that with the unit of HEINZ is not suggested by HEINZ and is pure hindsight. Indeed, the two chambers A and B of HEINZ are the same size despite any other HEINZ showings. Thus, HEINZ certainly did not appreciate relative size reduction. Moreover, it would not have been obvious to make the untreated water chamber A of HEINZ smaller than the treated water chamber B because one skilled in the art would not expect that you could pour all of the water to be treated in one quick pour into chamber A and that the filter would be able to handle the rate of filtration to avoid chamber A from overflowing. Although the transverse flow through the filter of HEINZ may be capable of achieving a high flow rate purpose as it has in the present invention, such high flow rate would not be inherent nor is it suggested by HEINZ. The flow rate through chambers C and G would depend upon how tightly the media is packed in these chambers. In fact, if too tightly packed, it could impair the flow rate to the extent that a reduced size chamber A in HEINZ would be too small and would overflow with a fast single pour.

New claim 33 has been presented which is claim 21 rewritten in independent form. For the last mentioned reasons, new claim 33 should be allowable over the prior art.

Finally dependent claim 28 has been rejected on HEINZ with the statement that HEINZ shows the claimed vent as the open upper end of chamber G.

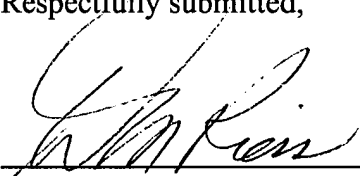
However, the open top of conical chamber G of HEINZ which is relied upon as the vent of claim 28 does not function the same as the venting purpose in the present invention. Dependent Claim 28 has been written in independent form as new claim 34 and further sets forth that the vent is through the top wall of the housing. There is no vent through the top cover E of HEINZ.

Accordingly, new claim 34 should be allowable over HEINZ.

For the above reasons it is respectfully submitted that all of the claims remaining in the present application, claims 1-5, 7-18, 20-23 and 25-34, are in condition for allowance. Accordingly, favorable reconsideration and allowance are requested.

Respectfully submitted,

Date: 5/12/04



Daniel M. Riess

Registration No. 24,375

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500